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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

Leon Mark Kizer,

Petitioner,

v.

United States Environmental  
Protection Agency,

Respondent.

Case No. 3:16-CV-00395-LRH-WGC

**STIPULATION FOR EXTENSION OF TIME  
TO FILE DISCOVERY PLAN AND  
SCHEDULING ORDER**

According to Local Rule 26-1, the Parties must submit a stipulated discovery plan and scheduling order within 44 days of the filing of the Answer. The Parties have previously requested, and the Court has granted, an extension of the deadline five times to allow for a possible resolution in this matter: first to December 12, 2016, second to March 13, 2017, third to June 12, 2017, fourth to September 10, 2017, and fifth to December 11, 2017.

Now, the Parties, by and through their respective counsel, have agreed and hereby stipulate pursuant to Federal Rule of Civil Procedure Rule 6(b) and Local Rules IA 6-1, IA 6-2, 7-1, and 26-4 that the deadline for filing a stipulated discovery plan and scheduling order is

1 hereby extended 90 days to March 11, 2018.

2 This case involves an objection to a compliance order (the "Compliance Order") issued  
3 by the United States Environmental Protection Agency ("EPA"). Petitioner/Appellee Leon  
4 Mark Kizer and the Pine View Estates Homeowner's Association (the "HOA"), another party  
5 subject to the Compliance Order, have finalized a settlement agreement in a related matter,  
6 *Kizer v. PTP, Inc.*, Case No. 3:15-CV-00120-RCJ0WGC (D. Nev.). Per the agreement, the  
7 settlement was supposed to close by November 30, 2017. However, an issue has arisen that  
8 has stopped the settlement from closing. The parties to the settlement are now attempting  
9 to address that issue.

10 If the settlement closes in *Kizer v. PTP, Inc.*, the parties in the case anticipate lodging a  
11 consent decree in another related case, *Pine View Estates Homeowner's Assoc. v. EPA*, Case  
12 No. 3:16-CV-00402 (D. Nev.), relating to and addressing the Compliance Order and requesting  
13 that the Court approve and enter the consent decree. The consent decree will vacate the  
14 Compliance Order as to Kizer and will make the HOA solely responsible for the wastewater  
15 treatment system that is the subject of the Compliance Order. The approval and entry of the  
16 anticipated consent decree vacating the Compliance Order as to Kizer will moot this appeal.

17 To preserve judicial resources, the Parties in this case stipulate to extend the  
18 stipulated discovery order and scheduling order deadlines until March 11, 2018. The Parties  
19 will notify the Court if the settlement closes or if the Parties will proceed with this appeal.

20 Dated this 11th day of December, 2017.

21 Faegre Baker Daniels LLP  
22 *Attorneys for Petitioner*

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Environment & Natural Resources Division  
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IT IS SO ORDERED:

*William G. Cobb*

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UNITED STATES MAGISTRATE JUDGE

DATED: December 12, 2017.